REMARKS

Claim Changes

     Claim 1 is amended to include the allowable subject matter of claim 2.

     Claim 2 is amended to be consistent with claim 1.

     Claim 3 is amended to be a new independent claim.

     Claim 5 is amended to include the allowable subject matter of claim 2.

     Claims 1 through 8 have been amended to conform to the general U.S. practice of forgoing reference numerals in the claims.

     Claims 16 and 17 have been newly added.

     No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment is made to distinguish over a particular reference or combination of references. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicant's invention.

Rejection of Claims 1 and 3-8 under 35 U.S.C. § 103 (a) as being unpatentable over US 2002/0021761(Zhang et al) in view of US 6,535,558(Suzuki et al)

     Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Zhang et al in view of Suzuki et al, as herein amended.

     Applicant respectfully disagrees with the contention in item 7, page 8, of the Office Action dated June 09, 2008 that the combination of Zhang and Suzuki describes "buffering of the video object plane enhancement layer transmission bits, until a video object plane enhancement layer header extensions is decoded, when an error has occurred in the reference VOPs' identifier". The Office Action specifically refers to para [0103] of Zhang as describing buffering of the enhancement layer transmission bits. This combination, however, fails to provide the buffering of the enhancement layer transmission bits for the following reasons.

     Zhang in FIG. 11 and associated description in para [0103] and para [0104] describes about the hierarchy followed in video coding, wherein a group of (bit plane) BP packets and BP headers are gathered together to form video of plane (VOP) segments and then a VOP header is

added by the enhancement layer encoder to each segment. The encoded base layer and enhancement layer bitstreams can be stored in a compressed format in video storage. *Further, Zhang describes about storing the enhancement layer transmission bits before transmission of the streams. However, Zhang does not teach of buffering the enhancement layer transmission bits when an error has occurred.* Applicant, in contrast, describes buffering of the video object plane enhancement layer transmission bits, until a video object plane enhancement layer header extensions is decoded, when an error has occurred in the reference VOPs' identifier, as clearly recited by independent claim 3, as amended.

Dependent claims 2, 4, 6 – 10, and 11 - 15 depend from, and include all the limitations of independent claims 1 and 5. Therefore, Applicant respectfully requests reconsideration of dependent claims 2, 4, 6 – 10, and 11 – 15 and requests the withdrawal of the rejection.

Regarding the new added claim 17, Applicant respectfully submits that the above discussed argument applies equally to the claim limitation of new independent claim 17.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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